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# Sheriffs

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**Official Title and Summary Prepared by the Attorney General**

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**SHERIFFS—LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Amends Constitution, article XI, sections 1(b) and 4(c), to require Legislature and county charters to provide for elected county sheriffs. Financial impact: No direct state or local fiscal effect.

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**FINAL VOTE CAST BY LEGISLATURE ON SCA 20 (PROPOSITION 6)**

Assembly—Ayes, 54  
Noes, 22

Senate—Ayes, 28  
Noes, 1

**Analysis by Legislative Analyst****Background:**

Each county, except a county which has adopted a charter for its own government, is required by state law, but not by the Constitution, to have an elected county sheriff.

A chartered county is not required to have a county sheriff, and, if it does, the county sheriff may be elected or appointed, as provided in the county charter.

At present all counties have elected sheriffs.

**Proposal:**

This constitutional amendment would *require* the Legislature to provide for elected county sheriffs in nonchartered counties and would require each county charter to provide for an elected county sheriff.

**Fiscal Effect:**

This measure has no direct state or local fiscal effect.

**Study the Issues Carefully**

## Text of Proposed Law

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These amendments proposed by Senate Constitutional Amendment No. 20 (Statutes of 1977, Resolution Chapter 70) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENTS TO ARTICLE XI

First—That subdivision (b) of Section 1 of Article XI is amended to read:

(b) The Legislature shall provide for county powers, *an elected county sheriff*, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

Second—That subdivision (c) of Section 4 of Article XI is amended to read:

(c) ~~Other~~ *An elected sheriff, other officers*, their election or appointment, compensation, terms and removal.

**Polls are open from 7 A.M. to 8 P.M.**

### Argument in Favor of Proposition 6

THE PASSAGE OF THIS CONSTITUTIONAL AMENDMENT WILL ASSURE ALL OF THE PEOPLE IN EACH OF FIFTY-EIGHT COUNTIES OF THIS STATE THAT THEIR CHIEF LAW ENFORCEMENT OFFICER AT COUNTY LEVEL, THE SHERIFF, WILL CONTINUE TO BE DIRECTLY ANSWERABLE TO THEM THROUGH THE ELECTIVE PROCESS.

DURING THE ONE HUNDRED AND TWENTY-EIGHT YEARS THAT HAVE TRANSPIRED SINCE CALIFORNIA BECAME A STATE, THE SHERIFFS HAVE DISTINGUISHED THEMSELVES BY PROVIDING EXCELLENT LAW ENFORCEMENT SERVICES TO THE PUBLIC THEY SERVE. THIS EVOLVEMENT OF EXCELLENCE HAS NOT COME ABOUT BY MERE HAPPENSTANCE. DURING THE ENTIRE HISTORY OF THE STATE, THERE HAS NEVER BEEN ANYTHING BUT ELECTED SHERIFFS DIRECTLY RESPONSIBLE TO THE PEOPLE. THIS ADHERENCE TO THE MOST BASIC OF DEMOCRATIC PRINCIPLES HAS DONE MUCH TO ENHANCE CONTINUED PROFESSIONAL SERVICE AND CONDUCT IN THE OFFICE OF SHERIFF.

THE SHERIFFS OF THIS STATE HAVE BROAD POWERS AND RESPONSIBILITIES ENUMERATED IN VIRTUALLY ALL OF THE CODES OF THE STATE OF CALIFORNIA. INDEED, ONE OF THE MOST AWESOME OF THESE RESPONSIBILITIES IS A MANDATE TO TAKE

APPROPRIATE ACTION WHEN THERE IS A BREAK-DOWN OF LAW ENFORCEMENT AT THE LOCAL LEVEL, IN A MUNICIPALITY. IN ORDER TO EFFECTIVELY CARRY OUT THE MYRIAD OF DUTIES AND RESPONSIBILITIES IMPOSED ON THEM, AND MOST CERTAINLY IN THE CASE CITED, THE SHERIFFS REQUIRE A DEGREE OF INDEPENDENCE FREE FROM UNDUE POLITICAL INFLUENCE. THIS HAS BEEN THE CASE FOR ONE HUNDRED AND TWENTY-EIGHT YEARS AND HAS BEEN ACCOMPLISHED BY MAKING THE SHERIFF DIRECTLY ACCOUNTABLE TO THE PEOPLE. FAVORABLE CONSIDERATION OF THIS CONSTITUTIONAL AMENDMENT WILL INSURE A CONTINUATION OF THIS MOST DESIRABLE RELATIONSHIP WHICH HAS WORKED SO WELL, FOR SO LONG.

**ROBERT PRESLEY**  
*State Senator, 34th District*  
*Chairman, Senate Committee*  
*on Transportation*

**WILLIAM A. CRAVEN**  
*Member of the Assembly, 76th District*  
*Chairman, Assembly Committee*  
*on Local Government*

### Rebuttal to Argument in Favor of Proposition 6

The proponents of Proposition 6 would take from you the choice of how you select your county sheriff.

The proponents base their argument on the assumption that only elected sheriffs have the independence necessary to perform the duties of the office of sheriff. This is debatable. The ability to withstand political pressures, whether they come from within a county administration or from special interests in the community at large, lies in the individual officeholder, not in the manner of selection.

Elected office is no more a guarantee of personal honesty and integrity than is appointed office. In fact, many of our highest ranking law enforcement officials (for example, police chiefs) are now appointed in the interest of securing greater expertise and increased professionalism.

Should not the primary consideration simply be: How can a community best insure excellence in law enforcement? If so, why not continue to leave this

choice in the hands of local voters, as we have done since California first became a state? Who is better equipped to determine the most appropriate method of selecting public officials than the very people they serve?

But proponents of Proposition 6 want to make this decision for you. They want to take from you a most basic right—how you select your county sheriff. Vote “NO” if you want to retain local control.

**OMER L. RAINS**  
*State Senator, 18th District*  
*Chairman, Senate Majority Caucus*

**HOWARD BERMAN**  
*Member of the Assembly, 43rd District*  
*Majority Leader, State Assembly*

**BILL McVITTIE**  
*Member of the Assembly, 65th District*  
*Chairman, Assembly Sub-Committee*  
*on Constitutional Amendments*

### Argument Against Proposition 6

This proposed amendment to our constitution represents but one more example of the state attempting to intrude on the rights of local government and is, indeed, a violation of the basic concept of home-rule.

Throughout our state history, charter counties have had the *option* of electing or appointing certain local officials, *including sheriffs*. Until 1970, this choice was specifically provided for in the constitution. That year, the voters approved a constitutional amendment deleting all reference to election or appointment of county officers, with the exception of an elected governing body. The intent of this change was to provide local governing bodies with a greater degree of autonomy and flexibility in order to better meet local needs. Proposition 6 would take away this prerogative of the counties to experiment with new methods of more efficiently controlling the governmental process.

Statements by proponents that Proposition 6 would restore the office of sheriff to the constitution are therefore misleading. If this amendment is approved by the voters, only *elected* sheriffs will be permitted anywhere in California (whatever the wishes of the people in any given county), and charter counties would lose the self-determination that *each* now has to decide for *itself* the most appropriate manner in which to select the county sheriff.

Although all charter counties presently have elected sheriffs, persuasive arguments can be made that the appointment process often involves a greater degree of competition and assures a greater chance of securing excellence in law enforcement. For this reason, most city police chiefs are already appointed, generally after undergoing a thorough screening process. Therefore, in the interest of efficiency and better government, it is vital that this alternative be preserved.

In short, if Proposition 6 passes, counties will lose their present right to amend their charters to provide for appointed sheriffs. Proposition 6 should be rejected so that counties can retain the authority to exercise this option as they see fit. Don't vote for the further erosion of local control.

OMER L. RAINS  
*State Senator, 18th District*  
*Chairman, Senate Majority Caucus*

HOWARD BERMAN  
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BILL McVITTIE  
*Member of the Assembly, 65th District*  
*Chairman, Assembly Sub-Committee*  
*on Constitutional Amendments*

### Rebuttal to Argument Against Proposition 6

THE ARGUMENTS OFFERED BY OPPONENTS TO PROPOSITION 6 ARE MISLEADING AND DO NOT SQUARE WITH FACT OR HISTORY.

—*IT IS A FACT* THAT IN THE 128-YEAR HISTORY OF THIS STATE THERE HAS NEVER BEEN ANYTHING BUT ELECTED SHERIFFS.

—*IT IS A FACT* THAT IN 47 OF THE 58 COUNTIES IN THIS STATE THE PEOPLE ARE ALREADY GUARANTEED THAT THEY WILL HAVE AN ELECTED SHERIFF.

—*IT IS A FACT* THAT WHENEVER THE SUBJECT OF ELECTED VERSUS APPOINTED SHERIFFS IN CHARTERED COUNTIES HAS ARISEN, THE PEOPLE HAVE ALWAYS REJECTED THE NOTION THAT SHERIFFS SHOULD BE APPOINTED.

—*IT IS A FACT* THAT THE VERY BEST ARGUMENT IN SUPPORT OF AN ELECTED SHERIFF MAY BE THAT POLICE CHIEFS ARE TYPICALLY APPOINTED AND SERVE SOLELY AT THE PLEASURE OF THE APPOINTING AUTHORITY. IT IS, THEREFORE, IMPORTANT THAT THE SHERIFF, IN HIS ROLE AS CHIEF LAW ENFORCEMENT OFFICER, BE FREE OF POLITICAL INFLUENCE WHICH MAY WELL CAUSE A BREAKDOWN OF A MUNICIPAL POLICE

DEPARTMENT. THE ONLY WAY TO ASSURE THAT THE SHERIFF WILL CARRY OUT HIS MANDATED RESPONSIBILITIES IN A FAIR, IMPARTIAL MANNER, FREE FROM UNDUE POLITICAL INFLUENCE, IS TO PROVIDE THAT HE BE ELECTED AND DIRECTLY RESPONSIBLE TO THE PEOPLE.

—*IT IS A FACT* THAT THE PASSAGE OF PROPOSITION 6 WILL ASSURE ALL OF THE PEOPLE IN CALIFORNIA THAT THEY WILL CONTINUE TO HAVE AS THEIR COUNTY'S CHIEF LAW ENFORCEMENT OFFICER A SHERIFF FREE FROM EXTERIOR POLITICAL INFLUENCE, ACTING IN THE BEST INTERESTS OF ALL THE PEOPLE.

ROBERT PRESLEY  
*State Senator, 34th District*  
*Chairman, Senate Committee*  
*on Transportation*

WILLIAM A. CRAVEN  
*Member of the Assembly, 76th District*  
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